

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

TERRY R. COCHRANE,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. 3:15-cv-00522-MMD-VPC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections ("NDOC"), has submitted an amended civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*, a motion requesting a copy work extension, a motion requesting a copy of Plaintiff's complaint, a motion for enlargement of time to file his application to proceed *in forma pauperis*, and a motion for leave to file a supplemental complaint. (Dkt. no. 1-1, 1-2, 5, 6, 7, and 8.)

A. Amended Complaint

Plaintiff may amend his complaint once as a matter of right pursuant to Federal Rule of Civil Procedure 15. An amended complaint, however, supersedes the original complaint and must be complete in itself. *See Hal Roach Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that "[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading supersedes the original"). Plaintiff's amended complaint must contain all claims, defendants, and factual

1 allegations that Plaintiff wishes to pursue in this lawsuit. Moreover, Plaintiff must file the
2 amended complaint on this Court's approved prisoner civil rights form and it must be
3 entitled "First Amended Complaint."

4 The supplement Plaintiff attached to his motion for leave to file supplemental
5 complaint adds information to count I of Plaintiff's original complaint and is not complete
6 in itself. (Dkt. no. 8 at 1.) Plaintiff asks the Court to combine his original complaint with
7 his supplemental complaint and asserts that he was unable to do so himself because
8 the original complaint contains original documents, such as supporting exhibits for two
9 counts. (*Id.*) In order to avoid confusion and for clarity of the record, the Court will not
10 consider the two separate documents as one complaint. Instead, the Court will provide
11 Plaintiff with an opportunity to amend his complaint and provide him with a copy of his
12 original complaint and his supplemental complaint so that he may combine the two into
13 one cohesive complaint.

14 If Plaintiff chooses to file an amended complaint, he must file the amended
15 complaint within thirty (30) days from the date of entry of this order. If Plaintiff chooses
16 not to file an amended complaint, the Court will screen Plaintiff's original complaint (dkt.
17 no. 1-1) and not consider Plaintiff's supplemental complaint. (Dkt. no. 8-1).

18 **B. Motion for Copy Work Extension**

19 Plaintiff has filed a motion to extend his copy work limit in order to generate
20 copies for this case. (Dkt. no. 1-2). An inmate has no constitutional right to free
21 photocopying. *Johnson v. Moore*, 948 F.2d 517, 521 (9th Cir. 1991). Pursuant to NDOC
22 administrative regulation 722.01(7)(D), inmates "can only accrue a maximum of \$100
23 debt for copy work expenses for all cases, not per case." In this district, courts have
24 found that they can order a prison to provide limited photocopying when it is necessary
25 for an inmate to provide copies to the court and other parties. *See Allen v. Clark Cnty.*
26 *Det. Ctr.*, 2:10-CV_00857-RLH, 2011 WL 886343, *2 (D. Nev. Mar. 11, 2011). In this
27 case, the Court grants Plaintiff's request to extend his copy work account limit by
28 another \$5.00.

II. CONCLUSION

For the foregoing reasons, it is ordered that a decision on the application to proceed *in forma pauperis* (dkt. no. 7) is deferred.

It is further ordered that Plaintiff's motion requesting copy work extension (dkt. no. 1-2) is granted in the amount of \$5.00. The Nevada Department of Corrections will extend Plaintiff's prison copy work limit by another \$5.00.

It is further ordered that Plaintiff's motion requesting a complete copy of Plaintiff's complaint and attached exhibits (dkt. no. 5) is granted.

It is further ordered that Plaintiff's motion for enlargement of time (dkt. no. 6) is denied as moot.


It is further ordered that Plaintiff's motion for leave to file supplemental complaint (dkt. no. 8) is denied.

It is further ordered that if Plaintiff chooses to file an amended complaint, Plaintiff must file the amended complaint within thirty (30) days from the date of entry of this order.

It is further ordered that the Clerk of the Court send to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, a copy of his original complaint (dkt. no. 1-1), and a copy of his supplemental complaint (dkt. no. 8-1). If Plaintiff chooses to file an amended complaint, he must use the approved form and write the words "First Amended" above the words "Civil Rights Complaint" in the caption.

It is further ordered that if Plaintiff chooses not to file an amended complaint, the Court will screen Plaintiff's original complaint (dkt. no. 1-1) and not consider Plaintiff's supplemental complaint. (Dkt. no. 8-1).

DATED THIS 24th day of March, 2015.


MIRANDA M. DU
UNITED STATES DISTRICT JUDGE